

Application Number 09/927,920
Responsive to Office Action mailed October 11, 2006

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REMARKS

This amendment is responsive to the Final Office Action dated October 11, 2006.

Applicant has amended claims 1, 5, 6, 8, 11-15, 52, 68-71, 73-75, 78, and 81-83 and cancelled claims 2-3 and 53. Claims 1, 4-52, 54-87 are pending, with claims 16-51, 61-67, 79, 80, and 84-87 having been previously withdrawn.

As a preliminary matter, Applicant thanks the Examiner for the telephonic interview of January 31, 2007 in which the Examiner discussed the pending claims with Mr. Kent Sieffert, Applicant's representative

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-4, 7-15, 52, 54-56, 58-60, 68-78, and 81-82 under 35 U.S.C. 103(a) as being unpatentable over Jorgenson (US 2002/0095232) in view of Thorvaldsson (US 2002/0004366). The Examiner rejected claims 5-6, 53, 57, and 83 under 35 U.S.C. 103(a) as being unpatentable over the combination of Jorgenson and Thorvaldsson in view of Shortridge (US 2001/0011437).

Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Claims 1, 4-15

Applicant's amended claim 1 recites a method that requires receiving product movement information for a plurality of shipments of products, wherein the product movement information includes a source location, a destination location and a transportation device for each of the shipments. Claim 1 further requires that the products include at least two grown commodities from different fields. That is, Applicant's current claim 1 has been amended to require at least two grown commodities, such as crops, that are grown from different fields.

Claim 1 has been amended to further require determining a plurality of lots based on the product movement information by assigning a new lot identifier each time the grown commodities from two or more of the different fields are commingled by storing or moving the

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grown commodities together as a single lot. This amendment makes clear that commingling, as used in claim 1, refers to moving or storing grown commodities from two or more of the different fields together as a single lot. Moreover, claim 1 requires the assignment of a new lot identifier when grown commodities are commingled in this manner.

In addition, claim 1 requires generating, based on the product movement information and the assigned lot identifiers, a report identifying the plurality of lots in which the grown commodities from different fields have been commingled.

In the Office Action, the Examiner acknowledges that Jorgenson does not teach many of these elements and cites the Abstract and paragraphs 64-65, 73 and 75 of Thorvaldsson with respect to commingling products. In general, Thorvaldsson describes handling information in relation to meat being conveyed through a number of processing stations. The information is used to trace the processing history of a piece of meat back to its origination. Abstract. The Thorvaldsson system tracks individual cuts of meat separately with each cut having its own product identifier. See, e.g., paragraph [0064]. Every single piece of meat regardless of origin must be traced individually. See, e.g., paragraph [0003]. Thus, the Thorvaldsson solution requires assigning individual product identifiers to each different cut of meat in order to track the individual cut.

As a preliminary comment, Applicant points out that this would be practically infeasible for many grown commodities, such as grain, seeds, corn, soybeans, or any number of other crops, that are stored and transported in large quantities, i.e., lots.

Furthermore, Jorgenson in view of Thorvaldsson provides no solution for tracing products where grown commodities from two or more of the different fields are commingled by storing or moving the grown commodities together as a single lot, as required by Applicant's claim 1. In fact, the Thorvaldsson solution for tracking individual cuts of meat is directly counter to this requirement of Applicant's claim 1. Rather, Thorvaldsson describes a system in which "pieces of meat" are kept *separate* after the pieces of meat are severed from the animal. See Thorvaldsson, paragraph [0043] ("the following description relates to a meat processing facility wherein the pieces of meat are *transported individually*"). Thorvaldsson requires that the "pieces of meat" are kept separate after the "pieces of meat" are severed from the animal, and that each piece is assigned its own product identifier and specifically transported individually.

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Only in this manner does Thorvaldsson maintain a distinct identity for each piece of meat. That is, the Thorvaldsson system relies on the premise that the "pieces of meat" are kept separate and, therefore, tracks each piece separately. This allows the Thorvaldsson system to identify a source for the individual pieces of meat.

For this reason, Jorgenson in view of Thorvaldsson does not describe a system capable of tracking lots where grown commodities from different fields are "commingled" by storing or moving the grown commodities together as a single lot. Directly to the contrary, Thorvaldsson only addresses "pieces of meat," and requires that each piece of meat from the animal be given a separate identifier and transported separately without commingling.

Furthermore, Applicant's claim 1 requires determining a plurality of lots based on the product movement information by assigning a new lot identifier each time the grown commodities from two or more of the different fields are commingled by storing or moving the grown commodities together as a single lot. Jorgenson in view of Thorvaldsson teaches the opposite, i.e., that a product identifier is assigned to an individual cut of meat and that the cut of meat must be transported separately from other cuts of meat. Quite to the contrary, Applicant's claim 1 requires assignment of a new lot identifier each time the grown commodities from two or more of the different fields are commingled by either storing or moving the grown commodities together as a single lot. Jorgenson in view of Thorvaldsson does not even contemplate this situation let alone provide a solution for identifying such commingled lots of grown commodities.

For at least these reasons, the Applicant respectfully requests that the Examiner withdraw the rejection of Applicant's claim 1 and 4-15 being dependent on claim 1.

Claims 52 and 54-60

Applicant's independent claim 52 as amended requires a computer-readable medium comprising instructions stored thereon causing a programmable processor to assign a new lot identifier each time two or more lots containing grown commodities from the different fields are commingled by transporting or storing the grown commodities together as a single lot, and present a tracing interface wherein a given lot can be identified and its history traced by

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identifying any other lots that have been commingled with the given lot. For reasons similar to those set forth above, Jorgenson in view of Thorvaldsson fails to teach or suggest these elements

With respect to claims 55–56 and 58–59, Jorgenson in view of Thorvaldsson fails to disclose an indication of whether a storage facility or a transportation device are clean and empty, and fails to disclose an identification of any lots stored in the storage facility or moved in the transportation device since the last indicated clean and empty status. In rejecting these claims, the Examiner referred to paragraphs 37, 41, and 47 of Jorgenson et al. However, Jorgenson et al. fails to mention indicating a clean and empty status, let alone identifying lots stored in a storage facility since the last indicated clean and empty status.

Applicant requests that the Examiner withdraw the rejection of claims 52-60 under 35 U.S.C. 103(a).

Claims 68-78

Applicant's independent claim 68 as amended requires a server that is configured to assign a new lot identifier to a first one of the lots each time two or more of the lots containing the grown commodities from the different fields are commingled by storing or moving the grown commodities together into the first lot. Claim 68 also requires that the server be configured to identify any of the commingled products. For reasons similar to those set forth above, Jorgenson in view of Thorvaldsson fails to teach or suggest these elements. Applicant respectfully requests that the Examiner withdraw the rejection of claim 68 and its dependent claims 69-78.

Claim 81-83

Applicant's independent claim 81 as amended requires assigning a new lot identifier when the product movement information indicates that grown commodities from two or more of the different fields are commingled by moving or storing the grown commodities from the different fields together as a single lot. Amended claim 81 also requires generating, based on the product movement information and the assigned lot identifiers, a report that identifies a location status for any of the grown commodities from the different fields that have been commingled.

For reasons similar to those above, the Applicant respectfully requests that the Examiner withdraw the rejection of claim 81 and its dependent claims 82 and 83.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

March 12, 2007
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